

**NOV 21 2005**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TYRONE TRAVIS BEGAY,

Defendant - Appellant.

No. 04-10602

DC No. CR 03-0343 EHC

**ORDER**

Appeal from the United States District Court  
for the District of Arizona  
Earl H. Carroll, District Judge, Presiding

Submitted November 15, 2005\*  
San Francisco, California

Before: FARRIS, TASHIMA, and CALLAHAN, Circuit Judges.

Pursuant to the government's unopposed motion therefor, the sentence is vacated and the case is remanded to the district court for resentencing.

**IT IS SO ORDERED.**

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\* The panel finds this case suitable for submission without oral argument. *See* Fed. R. App. P. 34(a)(2)(C).